

AMENDED IN SENATE JUNE 18, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1571**

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**Introduced by Committee on Veterans Affairs (Salas (Chair), Lieu,  
V. Manuel Perez, Saldana, and Yamada)**

March 16, 2009

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An act to amend Sections ~~5846, 5847, 5847~~ and 5848 of the Welfare and Institutions Code, relating to ~~veterans~~ *mental health*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1571, as amended, Committee on Veterans Affairs. ~~Veterans mental~~ *Mental health services: county plans. plans: veterans.*

Existing law, the Bronzan-McCorquodale Act, contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs. The act may be amended by the Legislature only by a  $\frac{2}{3}$  vote of both houses and only so long as the amendment is consistent with and furthers the intent of the act. The Legislature may clarify procedures and terms of the act by majority vote.

Existing law requires each county mental health program to prepare and submit a 3-year plan to be updated at least annually and approved by the department after review and comment by the Mental Health Services Oversight and Accountability Commission. Existing law requires the plan to be developed with specified local stakeholders.

This bill would require the local stakeholder planning group to include ~~a representative veterans and representatives from a legitimate veterans organization and would require the plan to specifically include~~ recognition of the mental health needs of veterans and how those needs are, or are not, being met. The bill would prohibit the department from approving a county plan that did not have verifiable representation by a legitimate veterans organization in the planning process or if the plan does not address the specific mental health issues of veterans and how the plan will, or will not, address those issues ~~organizations and would require the department, as part of its review of the county plan, to inform the Department of Veterans Affairs of county plans that have outreach programs specifically for veterans or that provide services specifically for veterans.~~

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 5846 of the Welfare and Institutions Code~~
- 2     ~~is amended to read:~~
- 3     ~~5846. (a) The commission shall annually review and approve~~
- 4     ~~each county mental health program for expenditures pursuant to~~
- 5     ~~Part 3.2 (commencing with Section 5830), for innovative programs~~
- 6     ~~and Part 3.6 (commencing with Section 5840), for prevention and~~
- 7     ~~early intervention.~~
- 8     ~~(b) The department may provide technical assistance to any~~
- 9     ~~county mental health plan as needed to address concerns or~~
- 10    ~~recommendations of the commission or when local programs could~~
- 11    ~~benefit from technical assistance for improvement of their plans~~
- 12    ~~submitted pursuant to Section 5847.~~
- 13    ~~(c) The commission shall ensure that the perspective and~~
- 14    ~~participation of members and others suffering from severe mental~~
- 15    ~~illness and their family members is a significant factor in all of its~~
- 16    ~~decisions and recommendations.~~
- 17    ~~(d) The department shall not approve a plan unless it does both~~
- 18    ~~of the following:~~
- 19    ~~(1) Include, verifiable representation from a legitimate veterans~~
- 20    ~~group in the stakeholder planning process required pursuant to~~
- 21    ~~Section 5848.~~

1     ~~(2) Include, a section that addresses the specific mental health~~  
2     ~~issues of veterans and how the plan will, or will not, address those~~  
3     ~~issues.~~

4     ~~SEC. 2. Section 5847 of the Welfare and Institutions Code is~~  
5     ~~amended to read:~~

6     ~~5847. Integrated Plans for Prevention, Innovation and System~~  
7     ~~of Care Services.~~

8     ~~(a) Each county mental health program shall prepare and submit~~  
9     ~~a three-year plan which shall be updated at least annually and~~  
10    ~~approved by the department after review and comment by the~~  
11    ~~Mental Health Services Oversight and Accountability Commission.~~  
12    ~~The plan and update shall include all of the following:~~

13    ~~(1) A program for prevention and early intervention in~~  
14    ~~accordance with Part 3.6 (commencing with Section 5840):~~

15    ~~(2) A program for services to children in accordance with Part~~  
16    ~~4 (commencing with Section 5850) of this division, to include a~~  
17    ~~program pursuant to Chapter 4 (commencing with Section 18250)~~  
18    ~~of Part 6 of Division 9 or provide substantial evidence that it is~~  
19    ~~not feasible to establish a wraparound program in that county.~~

20    ~~(3) A program for services to adults and seniors in accordance~~  
21    ~~with Part 3 (commencing with Section 5800), including a separate~~  
22    ~~section specifically addressing the mental health needs of veterans.~~

23    ~~(4) A program for innovations in accordance with Part 3.2~~  
24    ~~(commencing with Section 5830):~~

25    ~~(5) A program for technological needs and capital facilities~~  
26    ~~needed to provide services pursuant to Part 3 (commencing with~~  
27    ~~Section 5800), Part 3.6 (commencing with Section 5840), and Part~~  
28    ~~4 (commencing with Section 5850). All plans for proposed facilities~~  
29    ~~with restrictive settings shall demonstrate that the needs of the~~  
30    ~~people to be served cannot be met in a less restrictive or more~~  
31    ~~integrated setting.~~

32    ~~(6) Identification of shortages in personnel to provide services~~  
33    ~~pursuant to the above programs and the additional assistance~~  
34    ~~needed from the education and training programs established~~  
35    ~~pursuant to Part 3.1 (commencing with Section 5820):~~

36    ~~(7) Establishment and maintenance of a prudent reserve to~~  
37    ~~ensure the county program will continue to be able to serve~~  
38    ~~children, adults, and seniors that it is currently serving pursuant~~  
39    ~~to Part 3 (commencing with Section 5800) and Part 4 (commencing~~  
40    ~~with Section 5850) of this division, during years in which revenues~~

1 for the Mental Health Services Fund are below recent averages  
2 adjusted by changes in the state population and the California  
3 Consumer Price Index.

4 (b) The department's review and approval of the programs  
5 specified in paragraphs (1) and (4) of subdivision (a) shall be  
6 limited to ensuring the consistency of such programs with the other  
7 portions of the plan and providing review and comment to the  
8 Mental Health Services Oversight and Accountability Commission.

9 (c) The programs established pursuant to paragraphs (2) and  
10 (3) of subdivision (a) shall include services to address the needs  
11 of transition age youth ages 16 to 25.

12 (d) Each year the State Department of Mental Health shall  
13 inform counties of the amounts of funds available for services to  
14 children pursuant to Part 4 (commencing with Section 5850), and  
15 to adults and seniors pursuant to Part 3 (commencing with Section  
16 5800). Each county mental health program shall prepare  
17 expenditure plans pursuant to Part 3 (commencing with Section  
18 5800), and Part 4 (commencing with Section 5850), and updates  
19 to the plans developed pursuant to this section. Each expenditure  
20 update shall indicate the number of children, adults, including  
21 veterans, and seniors to be served pursuant to Part 3 (commencing  
22 with Section 5800), and Part 4 (commencing with Section 5850),  
23 and the cost per person. The expenditure update shall include  
24 utilization of unspent funds allocated in the previous year and the  
25 proposed expenditure for the same purpose.

26 (e) The department shall evaluate each proposed expenditure  
27 plan and determine the extent to which each county has the capacity  
28 to serve the proposed number of children, adults, and seniors  
29 pursuant to Part 3 (commencing with Section 5800), and Part 4  
30 (commencing with Section 5850); the extent to which there is an  
31 unmet need to serve that number of children, adults, and seniors;  
32 and determine the amount of available funds; and provide each  
33 county with an allocation from the funds available. The department  
34 shall give greater weight for a county or a population which has  
35 been significantly underserved for several years.

36 (f) A county mental health program shall include an allocation  
37 of funds from a reserve established pursuant to paragraph (6) of  
38 subdivision (a) for services pursuant to paragraphs (2) and (3) of  
39 subdivision (a) in years in which the allocation of funds for services  
40 pursuant to subdivision (c) are not adequate to continue to serve

1 ~~the same number of individuals as the county had been serving in~~  
2 ~~the previous fiscal year.~~

3 *SECTION 1. Section 5847 of the Welfare and Institutions Code,*  
4 *is amended to read:*

5 5847. Integrated Plans for Prevention, Innovation, and System  
6 of Care Services.

7 (a) It is the intent of the Legislature to streamline the approval  
8 processes of the State Department of Mental Health and the Mental  
9 Health Services Oversight and Accountability Commission of  
10 programs developed pursuant to Sections 5891 and 5892.

11 (b) Each county mental health program shall prepare and submit  
12 a three-year plan which shall be updated at least annually and  
13 approved by the department after review and comment by the  
14 Mental Health Services Oversight and Accountability Commission.  
15 The plan and update shall include all of the following:

16 (1) A program for prevention and early intervention in  
17 accordance with Part 3.6 (commencing with Section 5840).

18 (2) A program for services to children in accordance with Part  
19 4 (commencing with Section 5850), to include a program pursuant  
20 to Chapter 4 (commencing with Section 18250) of Part 6 of  
21 Division 9 or provide substantial evidence that it is not feasible to  
22 establish a wraparound program in that county.

23 (3) A program for services to adults and seniors in accordance  
24 with Part 3 (commencing with Section 5800).

25 (4) A program for innovations in accordance with Part 3.2  
26 (commencing with Section 5830).

27 (5) A program for technological needs and capital facilities  
28 needed to provide services pursuant to Part 3 (commencing with  
29 Section 5800), Part 3.6 (commencing with Section 5840), and Part  
30 4 (commencing with Section 5850). All plans for proposed facilities  
31 with restrictive settings shall demonstrate that the needs of the  
32 people to be served cannot be met in a less restrictive or more  
33 integrated setting.

34 (6) Identification of shortages in personnel to provide services  
35 pursuant to the above programs and the additional assistance  
36 needed from the education and training programs established  
37 pursuant to Part 3.1 (commencing with Section 5820).

38 (7) Establishment and maintenance of a prudent reserve to  
39 ensure the county program will continue to be able to serve  
40 children, adults, *including veterans*, and seniors that it is currently

1 serving pursuant to Part 3 (commencing with Section 5800), the  
2 Adult and Older Adult Mental Health System of Care Act, Part  
3 3.6 (commencing with Section 5840), Prevention and Early  
4 Intervention Programs, and Part 4 (commencing with Section  
5 5850), the Children's Mental Health Services Act, during years in  
6 which revenues for the Mental Health Services Fund are below  
7 recent averages adjusted by changes in the state population and  
8 the California Consumer Price Index.

9 (c) The State Department of Mental Health shall not issue  
10 guidelines for the Integrated Plans for Prevention, Innovation, and  
11 System of Care Services before January 1, 2012.

12 (d) The department's review and approval of the programs  
13 specified in paragraphs (1) and (4) of subdivision (b) shall be  
14 limited to ensuring the consistency of ~~such~~ *these* programs with  
15 the other portions of the plan and providing review and comment  
16 to the Mental Health Services Oversight and Accountability  
17 Commission. *As part of its review, the department shall inform*  
18 *the Department of Veterans Affairs of county plans that have*  
19 *outreach programs specifically for veterans or that provide services*  
20 *specifically for veterans.*

21 (e) The programs established pursuant to paragraphs (2) and  
22 (3) of subdivision (b) shall include services to address the needs  
23 of transition age youth ages 16 to 25.

24 (f) Each year the State Department of Mental Health, in  
25 consultation with the California Mental Health Directors  
26 Association, the Mental Health Services Oversight and  
27 Accountability Commission, and the Mental Health Planning  
28 Council, shall inform counties of the amounts of funds available  
29 for services to children pursuant to Part 4 (commencing with  
30 Section 5850), and to adults and seniors pursuant to Part 3  
31 (commencing with Section 5800). Each county mental health  
32 program shall prepare expenditure plans pursuant to Part 3  
33 (commencing with Section 5800), and Part 4 (commencing with  
34 Section 5850), and updates to the plans developed pursuant to this  
35 section. Each expenditure update shall indicate the number of  
36 children, adults, *including veterans*, and seniors to be served  
37 pursuant to Part 3 (commencing with Section 5800), and Part 4  
38 (commencing with Section 5850), and the cost per person. The  
39 expenditure update shall include utilization of unspent funds

1 allocated in the previous year and the proposed expenditure for  
2 the same purpose.

3 (g) (1) The department shall evaluate each proposed expenditure  
4 plan and determine the extent to which each county has the capacity  
5 to serve the proposed number of children, adults, *including*  
6 *veterans*, and seniors pursuant to Part 3 (commencing with Section  
7 5800), and Part 4 (commencing with Section 5850); the extent to  
8 which there is an unmet need to serve that number of children,  
9 adults, *including veterans*, and seniors; and determine the amount  
10 of available funds; and provide each county with an allocation  
11 from the funds available. The department shall give greater weight  
12 for a county or a population which has been significantly  
13 underserved for several years. The department shall approve, deny,  
14 or request information on a county expenditure plan or update no  
15 later than 60 days upon receipt.

16 (2) The department shall only evaluate those programs in a  
17 county expenditure plan or update that have not previously been  
18 approved or that have previously identified problems which have  
19 been conveyed to the county. The department shall distribute the  
20 funds for renewal of the previously approved programs contained  
21 in the county expenditure plan or update prior to approval of the  
22 county expenditure plan or update.

23 (h) A county mental health program shall include an allocation  
24 of funds from a reserve established pursuant to paragraph (6) of  
25 subdivision (b) for services pursuant to paragraphs (2) and (3) of  
26 subdivision (b) in years in which the allocation of funds for services  
27 pursuant to subdivision (e) are not adequate to continue to serve  
28 the same number of individuals as the county had been serving in  
29 the previous fiscal year.

30 ~~SEC. 3.~~

31 *SEC. 2.* Section 5848 of the Welfare and Institutions Code is  
32 amended to read:

33 5848. (a) Each plan and update shall be developed with local  
34 stakeholders, including adults and seniors with severe mental  
35 illness, families of children, adults, and seniors with severe mental  
36 illness, providers of services, law enforcement agencies, education,  
37 social services agencies, ~~representatives from a legitimate veterans~~  
38 ~~organization~~ *veterans, representatives from veterans organizations,*  
39 and other important interests. A draft plan and update shall be  
40 prepared and circulated for review and comment for at least 30

1 days to representatives of stakeholder interests and any interested  
2 party who has requested a copy of the draft plans.

3 (b) The mental health board established pursuant to Section  
4 5604 shall conduct a public hearing on the draft plan and annual  
5 updates at the close of the 30-day comment period required by  
6 subdivision (a). Each adopted plan and update shall include any  
7 substantive written recommendations for revisions. The adopted  
8 plan or update shall summarize and analyze the recommended  
9 revisions. The mental health board shall review the adopted plan  
10 or update and make recommendations to the county mental health  
11 department for revisions.

12 (c) The department shall establish requirements for the content  
13 of the plans. The plans shall include reports on the achievement  
14 of performance outcomes for services pursuant to Part 3  
15 (commencing with Section 5800), Part 3.6 (commencing with  
16 Section 5840), and Part 4 (commencing with Section 5850) funded  
17 by the Mental Health Services Fund and established by the  
18 department and shall specifically include recognition of the mental  
19 health needs of veterans and how those needs are, or are not, being  
20 met.

21 (d) Mental health services provided pursuant to Part 3  
22 (commencing with Section 5800), and Part 4 (commencing with  
23 Section 5850), shall be included in the review of program  
24 performance by the California Mental Health Planning Council  
25 required by paragraph (2) of subdivision (c) of Section 5772 and  
26 in the local mental health board's review and comment on the  
27 performance outcome data required by paragraph (7) of subdivision  
28 (a) of Section 5604.2.